



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,666	10/17/2001	Wayne C. Roach	052050-0007	6624
28977	7590	12/22/2004	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			ARTHUR JEANGLAUME, GERTRUDE	
		ART UNIT	PAPER NUMBER	
		2144		
DATE MAILED: 12/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant No.	Applicant(s)	
	09/981,666	ROACH ET AL.	
	Examiner	Art Unit	
	Gertrude Arthur-Jeanglaude	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 October 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 7-12, 17-21 and 23-25 is/are allowed.
- 6) Claim(s) 1-6, 13-16 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 October 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 14-16, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandt et al. (U.S. Patent No. 6,801,530).

As to claims 1, 22, Brandt et al. disclose a method and apparatus for transferring (from application to transport layer as the application layer is followed by the transport layer) a user datagram protocol (UDP) signal using frame header information for UDP packets comprising: Pushing frame header information from an application layer protocol to a transport layer protocol to transport the UDP packets (See col. 1, lines 20-55).

As to claim 2, Brandt et al. disclose a stack (See col. 1, lines 49-55) is used to push the frame header information from the application layer protocol to the transport layer protocol.

As to claim 3, Brandt et al. disclose user input to the stack does not apply to higher layers than the physical layer (range restrictions) (See col. 7, lines 39-55).

As to claim 4, Brandt et al. disclose the UDP packet is a UDP packet with value-added information (See col. 7, lines 35-47).

As to claim 5, Brandt et al. disclose a bandwidth required for a broadband network system to deliver a UDP packet with value-added information is identical to the amount of effort required for the broadband network system to deliver standard UDP to an end user (See col. 2, lines 44-56).

As to claim 6, Brandt et al. disclose the UDPVA packets further comprise additional functionality compared to standard UDP packets (See col. 7, lines 35-47).

As to claim 14-16, Brandt et al. disclose a data structure included in user datagram protocol (UDP) packets, the UDP packets) comprising: value-added information included in the frame header information that is transmitted from a broadband interface unit (BIntU) transceiver to be received at a data distribution center, wherein the value-added information triggers the data distribution center to transmit a return packet to the BIntU transceiver indicating that the data distribution center received the UDP packet; it also discloses value added information (See col. 1, lines 20-55; col. 7, lines 35-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al. (U.S. Patent No. 6,801,530) in view of Carneal et al. (U.S. Pub No. 20030120658).

As to claim 13, Brandt et al. disclose a method of allocating higher layers and higher rates of mass communications over a wide area, the method comprising: pulling down packets but fail to specifically disclose the packets are pulled from satellites over a satellite link and distributing the information over a wide area utilizing multimedia systems; and actively controlling a volume of satellite time purchased in response to information that is pulled from the network to manage satellite transmission. In a related art, Carneal et al. disclose a satellite based internet access system wherein it discloses satellite links used to transfer data (See paragraph 0032). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Brandt et al. with that of Carneal et al. by pulling down packets from satellites over a satellite link and distributing the information over a wide area utilizing multimedia system; and actively controlling a volume of satellite time purchased in response to information that is pulled from the network to manage satellite transmission in order to implement communication.

Allowable Subject Matter

Claims 7-12, 17-21, 23-25, are allowed.

The prior art fails to disclose a broadband network system configured to transfer user datagram protocol with value-added (UDPVA) packets from a broadband interface

unit (BIntIU) transceiver, the broadband network system comprising: an encoder/decoder (codec) configured to alternatively code or decode UDP frame information, and a digital signal processor (DSP) portion coupled to the codec, wherein the DSP portion includes a stack, the DSP portion temporarily stores the UDP frame information as UDPVA packets within the stack, and the UDPVA packets is in a form to be transmitted directly to a network destination address device; and the BIntu transceiver configured to transmit the UDPVA packets to the data distribution center, and the data distribution center is configured to indicate to the BintU transceiver if the data distribution center has received UDPVA packets from the BIntu transceiver.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsuura (U.S. Patent No. 6,023,581) discloses a program debugging support device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

GAJ

December 17, 2004

Gertrude A. Jeanglaude
GERTRUDE A. JEANGLAUDÉ
PRIMARY EXAMINER